

House Bill 1465 (AS PASSED HOUSE AND SENATE)

By: Representative Fleming of the 117<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Harlem; to provide for incorporation, boundaries,  
2 and powers of the city; to provide for a governing authority of such city and the powers,  
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,  
4 prohibitions, conflicts of interest, and suspension and removal from office relative to  
5 members of such governing authority; to provide for inquiries and investigations; to provide  
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for  
7 ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties,  
8 powers, and other matters relative thereto; to provide for administrative affairs and  
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules  
11 and regulations; to provide for a municipal court and the judge or judges thereof and other  
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and  
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for  
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to  
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,  
16 and appropriations; to provide for city contracts and purchasing; to provide for the  
17 conveyance of property and interests therein; to provide for bonds for officials; to provide  
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for  
19 penalties; to provide for definitions and construction; to provide for other matters relative to  
20 the foregoing; to repeal a specific Act; to provide for effective dates; to repeal conflicting  
21 laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 ARTICLE I

2 INCORPORATION AND POWERS

3 SECTION 1.10.

4 Name.

5 This city and the inhabitants thereof are reincorporated by the enactment of this charter and  
6 are hereby constituted and declared a body politic and corporate under the name and style  
7 of the City of Harlem, Georgia, and by that name shall have perpetual succession.

8 SECTION 1.11.

9 Corporate boundaries.

10 (a) The corporate boundaries of this city shall be those existing on the effective date of the  
11 adoption of this charter with such alterations as may be made from time to time in the  
12 manner provided by law. The boundaries of the City of Harlem shall be shown on a map or  
13 a written description or any combination thereof, to be retained permanently in the office of  
14 city manager and to be designated as the "Official Map of the corporate limits of the City of  
15 Harlem, Georgia." Photographic, typed, or other copies of such map or description certified  
16 by the city manager shall be admitted as evidence in all courts and shall have the same force  
17 and effect as with the original map or description.

18 (b) The city council may provide for the redrawing of any such map by ordinance to reflect  
19 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes  
20 the entire map or maps which it is designated to replace.

21 SECTION 1.12.

22 Powers and construction.

23 The powers of this city shall be construed liberally in favor of the city. The specific mention  
24 or failure to mention particular powers shall not be construed as limiting in any way the  
25 powers of this city.

26 SECTION 1.13.

27 Corporate powers.

28 (a) Animal Regulations. To regulate and license or prohibit the keeping or running at large  
29 of animals and fowl, to provide for the impoundment of same if in violation of any ordinance  
30 or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals

1 and fowl when not redeemed as provided by ordinance; and to provide punishment for  
2 violation of ordinances enacted hereunder.

3 (b) Appropriations and Expenditures. To make appropriations for the support of the  
4 government of the city; to authorize the expenditure of money for any purposes authorized  
5 by this charter and for any purpose for which a municipality is authorized by the laws of the  
6 State of Georgia; and to provide for the payment of expenses of the city.

7 (c) Building Regulation. To regulate and to license the erection and construction of  
8 buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical,  
9 gas, and heating and air conditioning codes; and to regulate all housing and building trades.

10 (d) Business Regulation and Taxation. To levy and to provide for the collection of  
11 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
12 by Title 48 of the Official Code of Georgia Annotated or other such applicable laws as are  
13 or may hereafter be enacted; to permit and regulate the same; to provide for the manner and  
14 method of payment of such regulatory fees and taxes; and to revoke such permits after due  
15 process for failure to pay any city taxes or fees.

16 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,  
17 for present or future use and for any corporate purpose deemed necessary by the governing  
18 authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia  
19 Annotated or such other applicable laws as are or may hereafter be enacted.

20 (f) Contracts. To enter into contracts and agreements with other governmental entities and  
21 with private persons, firms, and corporations.

22 (g) Emergencies. To establish procedures for determining and proclaiming that an  
23 emergency situation exists within or without the city and to make and carry out all reasonable  
24 provisions deemed necessary to deal with or meet such an emergency for the protection,  
25 safety, health, or well-being of the citizens of the city.

26 (h) Environmental Protection. To protect and preserve the natural resources, environment,  
27 and vital areas of the city, the region, and the state through the preservation and improvement  
28 of air quality, the restoration and maintenance of water resources, the control of erosion and  
29 sedimentation, the management of storm water and establishment of a storm water utility,  
30 the management of solid and hazardous waste, and other necessary actions for the protection  
31 of the environment.

32 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge  
33 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,  
34 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties  
35 and punishment for violations thereof.

36 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and  
37 disposal and other sanitary service charge, tax, or fee for such services as may be necessary

1 in the operation of the city from all individuals, firms, and corporations residing in or doing  
2 business therein benefiting from such services; to enforce the payment of such charges, taxes,  
3 or fees; and to provide for the manner and method of collecting such service charges.

4 (k) General Health, Safety, and Welfare. To define, regulate, and prohibit any act, practice,  
5 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,  
6 and safety of the inhabitants of the city and to provide for the enforcement of such standards.

7 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any  
8 purpose related to the powers and duties of the city and the general welfare of its citizens on  
9 such terms and conditions as the donor or grantor may impose.

10 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide  
11 for the enforcement of such standards.

12 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work  
13 out such sentences in any public works or on the streets, roads, drains, and other public  
14 property in the city; to provide for commitment of such persons to any jail; to provide for the  
15 use of pretrial diversion and any alternative sentencing allowed by law; or to provide for  
16 commitment of such persons to any county work camp or county jail by agreement with the  
17 appropriate county officials.

18 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over  
19 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the  
20 city.

21 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,  
22 boards, offices, commissions, and agencies of the city and to confer upon such agencies the  
23 necessary and appropriate authority for carrying out all the powers conferred upon or  
24 delegated to the same.

25 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the city  
26 and to issue bonds for the purpose of raising revenue to carry out any project, program, or  
27 venture authorized by this charter or the laws of the State of Georgia.

28 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or  
29 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or  
30 outside the property limits of the city.

31 (s) Municipal Property Protection. To provide for the preservation and protection of  
32 property and equipment of the city and the administration and use of same by the public; and  
33 to prescribe penalties and punishment for violations thereof.

34 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of  
35 public utilities, including but not limited to a system of waterworks, sewers and drains,  
36 sewage disposal, storm-water management, gas works, electric light plants, cable television  
37 and other telecommunications, transportation facilities, public airports, and any other public

1 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties  
2 and to provide for the withdrawal of service for refusal or failure to pay the same.

3 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or  
4 private property.

5 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the  
6 authority of this charter and the laws of the State of Georgia.

7 (w) Planning and Zoning. To provide comprehensive city planning for development by  
8 zoning and to provide subdivision regulation and the like as the city council deems necessary  
9 and reasonable to insure a safe, healthy, and aesthetically pleasing community.

10 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed  
11 police officers, and to establish, operate, or contract for a police and a firefighting agency.

12 (y) Public Hazards: Removal. To provide for the destruction and removal of any building  
13 or other structure which is or may become dangerous or detrimental to the public.

14 (z) Public Improvements. To provide for the acquisition, construction, building, operation,  
15 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,  
16 markets and market houses, public buildings, libraries, public housing, airports, hospitals,  
17 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,  
18 conservation, sport, curative, corrective, detentional, penal, and medical institutions,  
19 agencies, and facilities; to provide any other public improvements, inside or outside the  
20 corporate limits of the city; and to regulate the use of public improvements; and for such  
21 purposes, property may be acquired by condemnation under Title 22 of the Official Code of  
22 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

23 (aa) Public Peace. To provide for the prevention and punishment of loitering, disorderly  
24 conduct, drunkenness, riots, and public disturbances.

25 (bb) Public Transportation. To organize and operate such public transportation systems as  
26 are deemed beneficial.

27 (cc) Public Utilities and Services. To grant franchises or make contracts for or impose taxes  
28 on public utilities and public service companies; and to prescribe the rates, fares, regulations,  
29 and standards and conditions of service applicable to the service to be provided by the  
30 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public  
31 Service Commission.

32 (dd) Regulation of Roadside Areas. To prohibit or regulate and control the erection,  
33 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and  
34 all other structures or obstructions upon or adjacent to the rights of way of streets and roads  
35 or within view thereof, within or abutting the corporate limits of the city; and to prescribe  
36 penalties and punishment for violation of such ordinances.

1 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit  
2 plans and programs for officers and employees of the city.

3 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,  
4 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,  
5 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within  
6 the corporate limits of the city; and to grant franchises and rights of way throughout the  
7 streets and roads and over the bridges and viaducts for the use of public utilities; and to  
8 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining  
9 their lots or lands and to impose penalties for failure to do so.

10 (gg) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
11 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
12 and sewerage system and to levy on those to whom sewers and sewerage systems are made  
13 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;  
14 to provide for the manner and method of collecting such service charges and for enforcing  
15 payments of the same; and to charge, impose, and collect a sewer connection fee or fees to  
16 those connected with the system.

17 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,  
18 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by  
19 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
20 and other recyclable materials and to provide for the sale of such items.

21 (ii) Special Areas of Public Regulation. To regulate or prohibit junk dealers and the  
22 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use  
23 of combustible, explosive, and inflammable materials, the use of lighting and heating  
24 equipment, and any other business or situation which may be dangerous to persons or  
25 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
26 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and  
27 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult  
28 bookstores to certain areas.

29 (jj) Special Assessments. To levy and provide for the collection of special assessments to  
30 cover the costs for any public improvements.

31 (kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,  
32 and collection of taxes on all property subject to taxation.

33 (ll) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the  
34 future by law.

35 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
36 number of such vehicles; to require the operators thereof to be licensed; to require public

1 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
2 regulate the parking of such vehicles.

3 (nn) Urban Redevelopment. To organize and operate an urban redevelopment program.

4 (oo) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges, and  
5 immunities necessary or desirable to promote or protect the safety, health, peace, security,  
6 good order, comfort, convenience, or general welfare of the city and its inhabitants; to  
7 exercise all implied powers necessary or desirable to carry into execution all powers granted  
8 in this charter as fully and completely as if such powers were fully stated herein; and to  
9 exercise all powers now or in the future authorized to be exercised by other municipal  
10 governments under other laws of the State of Georgia; and no listing of particular powers in  
11 this charter shall be held to be exclusive of others, nor restrictive of general words and  
12 phrases granting powers, but shall be held to be in addition to such powers unless expressly  
13 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

#### 14 **SECTION 1.14.**

##### 15 Exercise of powers.

16 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or  
17 employees shall be carried into execution as provided by this charter. If this charter makes  
18 no provision, such shall be carried into execution as provided by ordinance or as provided  
19 by pertinent laws of the State of Georgia.

## 20 **ARTICLE II**

### 21 **GOVERNMENT STRUCTURE**

#### 22 **SECTION 2.10.**

##### 23 City council creation; number; election.

24 The legislative authority of the government of this city, except as otherwise specifically  
25 provided in this charter, shall be vested in a city council to be composed of a mayor and four  
26 councilmembers. The city council established shall in all respects be a successor to and  
27 continuation of the governing authority under prior law. The mayor and councilmembers  
28 shall be elected in the manner provided by general law and this charter. The council shall  
29 be composed of four members elected by the voters of the city at large in accordance with  
30 provisions of Article V of this charter. The mayor shall be elected as provided in Section  
31 2.32 of this charter.

**SECTION 2.11.**

City council terms and qualifications for office.

The mayor and members of the city council shall be elected at large and shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor and councilmember unless that person is at least 21 years of age and shall have been a resident of the city for 12 months prior to the date of election as mayor or members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city.

**SECTION 2.12.**

Vacancy; filling of vacancies; temporary vacancies.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the Constitution, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Filling of Vacancies. A vacancy in the office of mayor or councilmember shall exist if the mayor or councilmember resigns, dies, moves his or her residence from the city, or is absent from four consecutive regular meetings of the governing authority, except if granted a leave of absence by the city council, which leave shall be entered upon the journal; or if he or she is adjudged incompetent or is convicted of malfeasance in office, or of a felony, or any violation of election laws. The city council shall appoint a qualified person to fill any such vacancy in the office of councilmember for the remainder of the unexpired term. At no time shall there be more than one councilmember so appointed holding office; and if a vacancy occurs on the city council with one member so appointed on the city council, a special election shall be held within a period of 45 days after the office becomes vacant pursuant to a call of a special election as provided by this charter; however, if a special election is called pursuant to this charter, the vacancy previously filled by appointment as well as the existing vacancy shall be filled for the unexpired terms in a special election. Provided, however, if a regular election for the city shall be held within three months after the second vacancy occurs, such second vacancy shall not be filled by appointment but the first vacancy previously filled by appointment and the second vacancy shall be filled for the unexpired terms at such regular election. In the event of a vacancy in the office of the mayor, the vacancy shall be filled pursuant to Sections 2.32 and 5.14 of this charter. If a special election is called, such election shall be held in the manner prescribed by Chapter 2 of Title 21 of the



Official Code of Georgia Annotated, the "Georgia Election Code," as it now exists or may hereafter be amended.

(c) Temporary Vacancies. The provisions of this section shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

### SECTION 2.13.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

### SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of Interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

1 (5) Represent other private interests in any action or proceeding against this city or any  
2 portion of its government; or

3 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
4 any business or entity in which the official has a financial interest.

5 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
6 financial interest, directly or indirectly, in any contract or matter pending before or within  
7 any department of the city shall disclose such interest to the city council. The mayor or any  
8 councilmember who has a financial interest in any matter pending before the city council  
9 shall disclose such interest and such disclosure shall be entered on the records of the city  
10 council, and that official shall disqualify himself or herself from participating in any decision  
11 or vote relating thereto. Any elected official, appointed officer, or employee of any agency  
12 or political entity to which this charter applies who shall have any financial interest, directly  
13 or indirectly, in any contract or matter pending before or within such entity shall disclose  
14 such interest to the governing body of such agency or entity.

15 (d) Use of Public Property. No elected official, appointed officer, or employee of the city  
16 or any agency or entity to which this charter applies shall use property owned by such  
17 governmental entity for personal benefit or profit but shall use such property only in his or  
18 her capacity as an officer or employee of the city.

19 (e) Contracts Voidable and Rescindable. Any violation of this section which occurs with  
20 the knowledge, express or implied, of a party to a contract or sale shall render said contract  
21 or sale voidable at the option of the city council.

22 (f) Ineligibility of Elected Official. Except where authorized by law, neither the mayor nor  
23 any councilmember shall hold any other elective or appointive office in the city or otherwise  
24 be employed by said government or any agency thereof during the term for which that  
25 official was elected. No former mayor and no former councilmember shall hold any  
26 appointive office in the city until one year after the expiration of the term for which that  
27 official was elected.

28 (g) Political Activities of Certain Officers and Employees. No appointive officer of the city  
29 shall continue in such employment upon qualifying as a candidate for nomination or election  
30 to any public office. No employee of the city shall continue in such employment upon  
31 qualifying for or election to any public office in this city or any other public office which is  
32 inconsistent, incompatible, or in conflict with the duties of the city employee. Such  
33 determination shall be made by the mayor and city council either immediately upon election  
34 or at any time such conflict may arise.

35 (h) Penalties for Violation.

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.

(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) of this subsection, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years.

#### **SECTION 2.15.**

##### **Inquiries and investigations.**

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

#### **SECTION 2.16.**

##### **General power and authority of the city council.**

(a) Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Harlem and may enforce such ordinances by imposing penalties.

#### **SECTION 2.17.**

##### **Eminent domain.**

The city council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,

1 penal, and medical institutions, agencies, and facilities and any other public improvements  
2 inside or outside the city, and to regulate the use thereof, and for such purposes, property  
3 may be condemned under procedures established under general law applicable now or as  
4 provided in the future.

#### 5 **SECTION 2.18.**

##### 6 Organizational meetings.

7 The city council shall hold an organizational meeting no later than the third Monday in  
8 January. The meeting shall be called to order by the mayor or city manager and the oath of  
9 office shall be administered to the newly elected members by a judicial officer authorized to  
10 administer oaths and shall, to the extent that it comports with federal and state law, be as  
11 follows:

12 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of  
13 (mayor)(councilmember) of this city and that I will support and defend the charter thereof  
14 as well as the Constitution and laws of the State of Georgia and of the United States of  
15 America.

16 "I am not the holder of any unaccounted for public money due this state or any political  
17 subdivision or authority thereof. I am not the holder of any office of trust under the  
18 government of the United States, any other state, or any foreign state which I by the laws of  
19 the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office  
20 according to the Constitution and laws of Georgia. I have been a resident of the City of  
21 Harlem for the time required by the Constitution and laws of this state and by the municipal  
22 charter. I will perform the duties of my office in the best interest of the City of Harlem to the  
23 best of my ability without fear, favor, affection, reward, or expectation thereof."

#### 24 **SECTION 2.19.**

##### 25 Regular and special meetings.

26 (a) The city council shall hold regular meetings at such times and places as shall be  
27 prescribed by ordinance.

28 (b) Special meetings of the city council may be held on call of the mayor or mayor pro  
29 tempore and two members of the city council. Notice of such special meetings shall be  
30 served on all other members personally, or by telephone personally, at least 48 hours in  
31 advance of the meeting. Such notice to councilmembers shall not be required if the mayor  
32 and all councilmembers are present when the special meeting is called. Such notice of any  
33 special meeting may be waived by a councilmember in writing before or after such a

meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Section 50-14-1 of the Official Code of Georgia Annotated or other such applicable laws as are or may hereafter be enacted.

#### **SECTION 2.20.**

##### **Rules of procedure.**

(a) The city council shall adopt by ordinance its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committee and committee chairs and officers of the city council shall be recommended by the mayor and appointed by a vote of the city council.

#### **SECTION 2.21.**

##### **Quorum: voting.**

(a) Three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

(b) No member of the city council shall abstain from voting on any matter properly brought before the city council for official action except when such councilmember has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question.

**SECTION 2.22.**

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Harlem" and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the city manager shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.

**SECTION 2.23.**

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

**SECTION 2.24.**

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent

reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-21 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

#### **SECTION 2.25.**

##### **Codes of technical regulations.**

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for inspection by the public.

#### **SECTION 2.26.**

##### **Signing; authenticating; recording; codification; printing.**

(a) The city clerk shall authenticate by the city clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Harlem, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments

1 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
2 council. Following publication of the first code under this charter and at all times thereafter,  
3 the ordinances and charter amendments shall be printed in substantially the same style as the  
4 code currently in effect and shall be suitable in form for incorporation therein. The city  
5 council shall make such further arrangements as deemed desirable with reproduction and  
6 distribution of any current changes in or additions to codes of technical regulations and other  
7 rules and regulations included in the code.

8 **SECTION 2.27.**

9 City manager; appointment; qualifications; compensation.

10 The city council shall appoint a city manager for an indefinite term and shall fix the city  
11 manager's compensation. The city manager shall be appointed solely on the on the basis of  
12 executive and administrative qualifications.

13 **SECTION 2.28.**

14 Removal of city manager.

15 The city manager is employed at will and may be summarily removed from office at any time  
16 by the city council.

17 **SECTION 2.29**

18 Acting city manager.

19 In the event the office of city manager is vacant, the mayor and city council shall appoint an  
20 acting city manager.

21 **SECTION 2.30.**

22 Powers and duties of the city manager.

23 The city manager shall be the chief executive and administrative officer of the city. The  
24 responsibilities, powers, and duties of the city manager shall be set forth in an ordinance  
25 adopted by city council.



**SECTION 2.31.**

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately. This section shall not apply in an emergency situation. The emergency powers of the city council shall be set forth in an ordinance approved by city council.

**SECTION 2.32.**

Selection of mayor and mayor pro tempore.

At each general election the voters of the city shall elect a mayor, subject to the provisions of Section 5.13 of this charter, for a term of four years. The city council shall elect from among its members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor, but shall only vote once on matters before the city council. If a vacancy occurs with more than 12 months remaining in the vacating mayor's term of office, the mayor pro tempore shall become the interim mayor until a special election is held pursuant to Section 5.14 of this charter. If the term of office is 12 months or less, the mayor pro tempore shall fill out this term.

**SECTION 2.33.**

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have power to administer oaths and to take affidavits; and
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing.

**SECTION 2.34.**

## Position of mayor pro tempore.

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tempore shall continue to vote as a member of the council.

**ARTICLE III****ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

## Administrative and service departments.

(a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of the city.

(b) Except as otherwise provided by this charter or by law, the directors and department heads of the city shall be appointed by the city manager solely on the basis of their respective administrative and professional qualifications.

(c) All directors and department heads shall receive such compensation as prescribed by ordinance or resolution.

(d) There shall be a director or a head of each department or agency who shall be its principal officer. Each director or department head shall be subject to the direction and supervision of the city manager.

(e) All directors and department heads under the supervision of the city manager shall be appointed by the city manager. All appointed directors and department heads shall be employees at will and subject to removal or suspension at any time by the city manager unless otherwise provided by law or ordinance.

**SECTION 3.11.****Boards, commissions, and authorities.**

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission or authority shall assume office until that person has executed and filed with the city clerk an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.

(g) All board members serve at will and may be removed at any time by a vote of three members of the city council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission or authority of the city shall elect one of its members as chairperson and one member as vice chairperson, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations not inconsistent with this charter, ordinances of the city, or law as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

**SECTION 3.12.**

City attorney.

The city council shall appoint a city attorney with confirmation together with such assistant city attorneys as may be authorized and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney. The city attorney is not a public official of the city and does not take an oath of office. The city attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as the city attorney.

**SECTION 3.13.**

City clerk.

The city manager with confirmation of city council shall appoint a city clerk. The city clerk shall maintain city council records required by this charter and shall maintain the city seal. Duties of the city clerk shall be set forth by ordinance.

**SECTION 3.14.**

Position classification and pay plans.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

**SECTION 3.15.**

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV

JUDICIAL BRANCH

**SECTION 4.10.**

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Harlem.

**SECTION 4.11.**

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath given by the mayor that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.

**SECTION 4.12.**

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

**SECTION 4.13.**

Jurisdiction; powers.

(a) The municipal court shall have jurisdiction and authority to try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now, or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

#### **SECTION 4.14.**

##### **Certiorari.**

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Columbia County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

**SECTION 4.15.**

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

**ARTICLE V****ELECTIONS AND REMOVAL****SECTION 5.10.**

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

**SECTION 5.11.**

Election of the city council and mayor.

(a) Notwithstanding the provisions of subsection (b) of this section, there shall be a municipal general election biennially in the odd-numbered years on the Tuesday next following the first Monday in November.

(b) The mayor and councilmembers serving on April 1, 2008, shall serve out their terms and until their successors have been elected and qualified. On the Tuesday next following the first Monday in November, 2008, an election shall be held for the two councilmembers whose terms of office expire the following January. The two candidates for the office of councilmember elected pursuant to Section 5.13 of this charter shall be elected for initial terms of office of three years each and for terms of four years each thereafter and until their successors are duly elected and qualified. Thereafter, on the Tuesday next following the first Monday in November in 2010, an election shall be held for the two councilmembers and the mayor whose terms of office expire the following January. The two candidates for the office of councilmember and the candidate for the office of mayor elected pursuant to Section 5.13

of this charter shall be elected for initial terms of office of three years each and for terms of four years each thereafter and until their successors are duly elected and qualified.

**SECTION 5.12.**

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

**SECTION 5.13.**

Election by plurality.

The candidate receiving a plurality of the votes cast for the office of councilmember shall be elected. The candidate receiving the most votes, provided that such person receives at least 40 percent of the votes for the office of mayor shall be elected. If no candidate receives at least 40 percent of the votes cast, there shall be a run-off election between the two candidates receiving the two highest number of votes. Such run-off election shall be conducted pursuant to Code Section 21-2-501 of the Official Code of Georgia Annotated.

**SECTION 5.14.**

Special elections; vacancies.

In the event that the office of mayor shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the mayor pro tempore shall serve for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

**SECTION 5.15.**

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Election Code.



**SECTION 5.16.**

## Removal of officers.

(a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this paragraph shall have the right of appeal from the decision of the city council to the Superior Court of Columbia County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Columbia County following a hearing on a complaint seeking such removal brought by any resident of the City of Harlem.

**ARTICLE VI****FINANCE****SECTION 6.10.**

## Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

**SECTION 6.11.**

## Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by

ordinance, may provide for the payment of these taxes by two installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

### **SECTION 6.12.**

#### **Occupation and business taxes.**

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

### **SECTION 6.13.**

#### **Regulatory fees; permits.**

The city council by ordinance shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity, and, if unpaid, shall be collected as provided in Section 6.18 of this charter.

### **SECTION 6.14.**

#### **Franchises.**

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations,

1 cable television and other telecommunications companies, gas companies, transportation  
2 companies, and other similar organizations.

3 **SECTION 6.15.**

4 Service charges.

5 The city council, by ordinance, shall have the power to assess and collect fees, charges,  
6 assessments, and tolls for sewers, sanitary and health services, or any other services provided  
7 or made available within and without the corporate limits of the city. If unpaid, such charges  
8 shall be collected as provided in Section 6.18 of this charter.

9 **SECTION 6.16.**

10 Special assessments.

11 The city council, by ordinance, shall have the power to assess and collect the cost of  
12 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
13 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
14 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

15 **SECTION 6.17.**

16 Construction; other taxes and fees.

17 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,  
18 and the specific mention of any right, power, or authority in this article shall not be construed  
19 as limiting in any way the general powers of this city to govern its local affairs.

20 **SECTION 6.18.**

21 Collection of delinquent taxes and fees.

22 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
23 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
24 whatever reasonable means as are not precluded by law. This shall include providing for the  
25 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
26 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
27 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
28 city taxes or fees; and providing for the assignment or transfer of tax executions.

**SECTION 6.19.**

## General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

**SECTION 6.20.**

## Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

**SECTION 6.21.**

## Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year unless otherwise provided by law.

**SECTION 6.22.**

## Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the city at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or other such applicable laws as are or may hereafter be enacted.

**SECTION 6.23.**

## Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office,

department, agency, and activity of the city government unless otherwise provided by state or federal law.

**SECTION 6.24.**

Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

**SECTION 6.25.**

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. Operating budget procedures shall be set forth by an ordinance adopted by city council.

**SECTION 6.26.**

Action by city council on budget.

Action by the city council on the budget shall be set forth by an ordinance adopted by the city council.

**SECTION 6.27.**

Tax levies.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinances shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

**SECTION 6.28.**

## Changes in appropriations.

The city council, by ordinance, may make changes in the appropriations contained in the current operating budget at any regular, special, or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

**SECTION 6.29.**

## Capital budget.

(a) On or before the date fixed by the city council but no later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such projects are included in the capital budget, except to meet a public emergency as provided in Section 2.24 of this charter.

(b) The city council shall adopt by resolution the final capital budget for the ensuing fiscal year not later than the 31st day of December of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

**SECTION 6.30.**

## Independent audit.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

**SECTION 6.31.**

## Contracting procedures.

No contract with the city shall be binding on the city unless:

(1) It is in writing;

(2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of course, is signed by the city attorney to indicate such drafting or review; and

(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.21 of this charter.

**SECTION 6.32.**

## Centralized purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

**SECTION 6.33.**

## Sale and lease of city property.

(a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

1 ARTICLE VII

2 GENERAL PROVISIONS

3 SECTION 7.10.

4 Bonds for officials.

5 The officers and employees of this city, both elected and appointed, shall execute such surety  
6 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
7 shall from time to time require by ordinance or as may be provided by law.

8 SECTION 7.11.

9 Prior ordinances.

10 All ordinances, rules, and regulations now in force in the city not inconsistent with this  
11 charter are hereby declared valid and of full effect and force until amended or repealed by  
12 the city council.

13 SECTION 7.12.

14 Pending matters.

15 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
16 contracts, and legal or administrative proceedings shall continue and any such ongoing work  
17 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
18 by the city council.

19 SECTION 7.13.

20 Construction.

21 (a) Section captions in this charter are informative only and are not to be considered as a part  
22 thereof.

23 (b) The word "shall" is mandatory and the word "may" is permissive.

24 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
25 versa.



**SECTION 7.14.**

## Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

**SECTION 7.15.**

## Specific repealer.

An Act incorporating the City of Harlem in the County of Columbia approved March 31, 1971 (Ga. L. 1971, p. 2557) is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

**SECTION 7.16.**

## Effective date.

This charter shall become effective on July 1, 2008.

**SECTION 7.17.**

## General repealer.

All laws and parts of laws in conflict with this Act are repealed.